

were delegated to the United States Government. There was no power under the old confederation to punish treason against the United States. That power was in the State governments. The State governments had laws punishing treason against the United States and against the old States. I think Pennsylvania had three sorts of treason in her laws; and no doubt other States were similarly circumstanced. When the Constitution of the United States was formed, and it was deemed expedient to define the crime of treason against the United States Government, and give the punishment of it to Congress, was it not perfectly manifest that in this case, as in all other cases where the laws of the State governments conflicted with the powers delegated to the Government of the United States, the laws of the State governments must necessarily give way? It was necessary that the different States should modify their own laws to make them conform to the Constitution of the United States. One single clause covered the whole matter. They agreed that the Constitution, and the laws and treaties made in pursuance thereof, should be the supreme law of the land, because there could be no other way to attain this object. The power of the people to make these laws in the several States had never been doubted. These Conventions which adopted the Constitution of the United States were above the State governments, and had the right to say that all these laws that had previously existed as State laws on these subjects, and all the provisions relating to them in the State Constitutions, should be abrogated, so far as they might conflict with the powers delegated by the Constitution of the United States to another department of the Government.

That was the reason that clause was adopted, to prevent any conflict. When it was so adopted, there was but one law. There are not two laws; not a paramount law and a subordinate law. There can be but one law. The Constitution and the laws made in pursuance thereof are *the* law, and *the only* law. There cannot be anything in the laws or constitutions of the States to conflict with this law; for if there were, by the very terms of the Constitution, it would be a nullity, and must be pronounced null and void.

I therefore submit to gentlemen upon the other side, that I have not heard, from the beginning of the debate to the present time, one solitary authority, one solitary saying of any statesman, or of any commentator upon the Constitution, or of any individual who has been known as deserving of consideration for his legal opinions of constitutional law in this country, for the doctrine that is now attempted to be incorporated in the bill of rights. If there has been any such authority, if there has been any such suggestion from any source, I most respectfully submit that I have not heard one syllable of it in this de-

bate, and I should be glad to have it pointed out. I therefore submit, in the absence of any such authority, and in view of the opinions to which I have invited the attention of the Convention, the word "allegiance" is to be used as synonymous with "obedience," and it is due to the people of the several States, as sovereign communities, and that support, defence, protection and obedience is due to the laws and Constitution of the United States, and the treaties of the United States, according to the provisions of the clause which I have quoted; and there is no conflict, and can be no conflict, provided the several departments, the several servants of the people, obey the charter of their rights and powers, and do not come unnecessarily into collision. There is no such thing as paramount and subordinate allegiance: no such idea that I have ever seen entertained anywhere. There is local allegiance and national allegiance, although I do not understand that there is paramount allegiance and subordinate allegiance. I do not understand that it is due, except to the highest sovereign power. There can be in one community but one sovereign power. There cannot be two. This does not at all detract from the power, the dignity, the efficiency, or the usefulness of the Government of the United States, that it is a limited power, that it is an agent of the several sovereign States, in all the magnitude and magnificence of its foreign and external powers delegated to it, and of its domestic powers which are also delegated to it. It exists, because brought into being by the people of the several States. The Constitution of the United States sustains and furnishes it with all the powers it exercises, because the people of the States so will it.

Therefore the Government of the United States is perfectly secure in the affections and obedience of the people of the several States, so long as the Government of the United States keeps within the powers delegated to it, and so long as it affords the people the protection which that government, in its formation, was designed to afford. This idea of paramount authority and paramount allegiance has received no sanction from any statesman. On the contrary, it is expressly negated by statesmen of both schools, for it is well known that there were two schools, two political opinions, of State and Federal powers, before the Constitution was formed. Even in the first Congress that framed the articles of confederation, during the whole period of the existence of that confederation, during the period of consultation in the Convention that framed the Constitution, during the period of the Conventions which adopted the Constitution, and from that time to the present, there have been two parties, one holding to the paramount necessity of strengthening the arm of the Federal Government, and the other insisting upon the necessity of main-